

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

DEBRA WRIGHT,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	Case No. CIV-23-864-F
	)	
OGE ENERGY CORP.,	)	
	)	
Defendant.	)	

**ORDER**

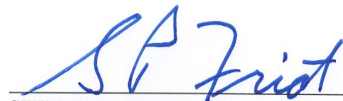
The court is in receipt of Defendant’s Motion for Partial Judgment on the Pleadings. Doc. no. 84.

Under Rule 16(b)(3)(A), Fed. R. Civ. P., the court must enter a scheduling order that limits the time to file motions. The court has done so, and the time prescribed for filing dispositive motions has passed. Rule 16(b)(4), Fed. R. Civ. P., states that “[a] schedule may be modified only for good cause and with the judge’s consent.” While Rule 12(c), Fed. R. Civ. P., allows a motion for judgment on the pleadings to be filed “[a]fter the pleadings are closed—but early enough not to delay trial,” it “does not restrict the court’s discretion under Rule 16(b).” Riggins v. Walter, 279 F.3d 422, 427 (7<sup>th</sup> Cir. 1995); *see also*, Hughes v. Z, Inc., CIV-04-980-C, 2006 WL 290576, at \*1 (W.D. Okla. Feb. 6, 2006) (quoting Riggins). Thus, a Rule 12(c) motion may be brought after the dispositive motions deadline if the moving party complies with the requirements of Rule 16(b)(4) and if it will not delay trial. Riggins, 279 F.3d at 428.

Because Rule 16(b)(4) applies to defendant's Rule 12(c) motion and defendant has not made a showing of good cause, relying solely on the language of Rule 12(c), the court, exercising in its discretion, **GRANTS** defendant until **noon on December 11, 2024** to file a motion for nunc pro tunc leave to file the Rule 12(c) motion out of time, supported by a showing of good cause. Failure of defendant to comply will result in the court's striking of the Rule 12(c) motion, with no further notice to defendant. If defendant complies and files a motion for nunc pro tunc leave, plaintiff shall file any response on or before **noon on December 18, 2024**. No reply by defendant will be permitted unless otherwise ordered by the court.

Plaintiff's deadline to respond to Defendant's Motion for Partial Judgment on the Pleadings (doc. no. 84) is **STAYED** pending further order of the court.

DATED this 9th day of December, 2024.

  
STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE

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